

OPEN MEETING COMPLIANCE BOARD OPINIONS

TOPICAL INDEX

July 1, 1992 through December 31, 2016 (updated through [10 OMCB Opinions 134](#))

HOW TO USE THIS INDEX: THIS INDEX GROUPS THE COMPLIANCE BOARD’S OPINIONS INTO SEVEN BROAD TOPICS, EACH WITH SUBTOPICS. TO FIND A BROAD TOPIC, GO TO THE LIST BELOW. FOR A LIST OF THE SUBTOPICS, GO TO THE [TOPICAL INDEX OUTLINE](#). THE BROAD TOPIC NUMBERS CORRESPOND TO THE CHAPTER NUMBERS IN THE [OPEN MEETINGS ACT MANUAL](#).

BROAD TOPICS:

[1: DOES THE ACT APPLY?](#)

[2: DID THE PUBLIC BODY GIVE “REASONABLE ADVANCE NOTICE” OF THE MEETING AND MAKE AN AGENDA AVAILABLE?](#)

[3: WAS THE MEETING CONDUCTED IN THE OPEN?](#)

[4: IF THE MEETING WAS CLOSED TO THE PUBLIC AND WAS SUBJECT TO THE ACT, DID THE TOPICS DISCUSSED FALL WITHIN ONE OF THE 14 EXCEPTIONS THAT PERMIT A CLOSED MEETING?](#)

[5: BEFORE CLOSING A MEETING SUBJECT TO THE ACT, DID THE PUBLIC BODY MAKE THE WRITTEN DISCLOSURES REQUIRED BY THE ACT AND VOTE PUBLICLY TO EXCLUDE THE PUBLIC?](#)

[6: DID THE PUBLIC BODY PREPARE AND RETAIN THE MEETING DOCUMENTS REQUIRED BY THE ACT AND POST ITS MINUTES?](#)

[7: WHAT IS THE COMPLIANCE BOARD’S ROLE?](#)

HOW TO FIND AN OPINION: GO TO THE [MAIN OPEN MEETINGS WEBPAGE](#), CLICK ON THE LINK FOR [“OMCB OPINIONS,”](#) CLICK ON THE VOLUME LISTED FOR THAT OPINION, AND SCROLL THROUGH TO THE PAGE. FOR OPINIONS ISSUED AFTER THIS INDEX WAS UPDATED, GO TO THE MOST RECENT VOLUME. THE OPINIONS ARE ALSO SEARCHABLE.

STATUTORY CITES: STATUTORY CITES IN THE OPINIONS ARE NOW TO THE GENERAL PROVISIONS ARTICLE OF THE MARYLAND CODE. BEFORE OCTOBER 1, 2014, THE OPEN MEETINGS ACT APPEARED IN THE STATE GOVERNMENT ARTICLE.

JUDICIAL OPINIONS: THIS INDEX DOES NOT INCLUDE OPINIONS ISSUED BY THE MARYLAND COURTS. THE REPORTED OPINIONS OF MARYLAND’S APPELLATE COURTS TAKE PRECEDENCE OVER COMPLIANCE BOARD OPINIONS, WHICH ARE ADVISORY. FOR MORE INFORMATION, SEE THE INTRODUCTION TO THE OPEN MEETINGS ACT MANUAL.

TOPIC ONE

1. Does the Act apply? (any “meeting” of a “public body,” unless the Act expressly excludes the “function” being performed: Sections 3-301 and 3-102; terms defined in section 3-101)

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¹ Caution: The General Assembly broadened the definition of “public body” in 2004, *see* 4 *OMCB Opinions* 132 (2005), and 2009, *see* 7 *OMCB Opinions* 64 (2010), and a particular class of school-board related entities was added in 2013. Pre-2004 opinions in which the Compliance Board concluded that a group was not a public body should be checked for validity under the current definition of “public body” in § 3-101.

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² See also the other "functions" topics; if the activity falls within one of those functions, it is *not* an administrative function. Section 3-101(b)(2).

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TOPIC THREE

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Entire discussion of open session matter, from beginning to end, must be in open session	194-573
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Prohibiting videotaping of audience at meeting	195-9	137
Prohibiting videotaping even if public body makes transcript of meeting available	303-21	356
Session of county council held without notice and in an unusual meeting place	193-8	44

TOPIC FOUR

4. If the meeting was closed to the public and was subject to the Act, did the topics discussed fall within one of the 14 exceptions that permit a closed meeting? Section 3- 305(a). (See also topic #5)

A. PERSONNEL: SECTION 3-305(B)(1)

1. Within exception, discussion of:

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Creation of new position linked to a specific employee	194-5	73
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Discussion/appointment of specific individuals	299-4	43
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Performance of County Attorney	7125
Performance of contractor's individual employees, only if public body may terminate the individual's employment	9132
Raises and promotions for specific employees	1	.....94-5	.....73
Review of city manager's performance	6	.....	.....104
School superintendent's change of duties	1	.....95-5	.....123
School superintendent's contract	3	.....03-4	.....264
Selection of recipients of honorary degrees	8	.....	.....166
Severance benefits for specific employees	7	.....	.....49
Status of specific county employees if transferred to city	1	.....93-11	.....53
 2. Outside exception, discussion of:			
Attendance at a reception and meeting	1	.....94-5	.....73
Budgetary impact of rising gas prices	5	.....	.....42
Candidates for appointments to board	8120
Charter amendment to address mayoral powers	957
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Department responsibilities	7225
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Procurement of call forwarding service (check)	194-5	73
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Reclassification of employees not involving information on specific employee	7	131
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Sheriff's appointees to sheriff's advisory committee not involving discussion of individual county employees	7	112
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B. PRIVATE INFORMATION ABOUT INDIVIDUALS: Section 3-305(b)(2)

Applicable only to confidential personal information	8	166
Applicable to discussion of personal history of candidates for public honor	9	71

C. PROPERTY ACQUISITION: Section 3-305(b)(3)**1. Within exception, discussion of:**

Acquisition of agricultural easement	7	225
Acquisition of property from public entity	7	274
Acquisition of property for school by committee of board employees	7	274
Possible acquisition of a portion of property for public parking	2 .....99-16	80
Possible acquisition of property by lease, for public use	5	10
	9	160
Public purpose aspects of acquisition	5	172
School board re-acquisition of site	7	274

2. Outside exception, discussion of:

Use of property owned by the public body	7	208
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Transfer, sale, or lease of real property to another entity	6	35
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Property acquisition if public body lacks power to acquire property under discussion	197-8233
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1. Within exception

Business proposals to relocate, when confidentiality needed	9	46
Consideration of sale of land within county-owned business park	5	72
Discussion of collateral matters expected to be addressed in evaluating business proposal	6	192
Discussion of financial incentives for specific business entity	7	148
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2. Outside Exception

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G. LEGAL ADVICE: Section 3-305(b)(7)			
1. Generally			
Bona fide expectation of need for legal advice justifies use of exception even if discussion obviates need for advice	5	172
Applicable when counsel is also member of staff so long as legal advice was given	8	1
Applicable to public body's receipt of advice but not to deliberations on policy matters	8	38
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Discussion with in-house counsel about advice of counsel not present at the session	7	58
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Liability and related issues arising from possible agreement between town and private school over use of town park	303-8293
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3. Outside exception

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1. Within exception

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	999
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	9165
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I. COLLECTIVE BARGAINING: Section 3-305(b)(9)

1. Within exception

Discussion between county commissioners and school board about funds available for potential contract	302-15	245
Discussion of collective bargaining negotiations when public body had statutory duty to review any agreement before the negotiating public party executed it	8	.....	35
Discussion regarding whether to reopen negotiations	7	58
Negotiations with union	7	125
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2. Outside Exception

Discussion of existing collective bargaining agreements	4	104
Discussion of whether to recognize a particular union or employee representative	7	.....	112

J. PUBLIC SECURITY: Section 3-305(b)(10)

1. Within exception, discussion of:

Discussion of location of 911 center involving security issues	7	225
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2. Outside exception, discussion of:

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Discussion of electrician's examination, as part of process for obtaining a certificate of registration: within exception	192-4	13
 L. CRIMINAL INVESTIGATION: Section 3-305(b)(12)			
Discussion of investigation in which public body has no role:	300-11	50
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 M. OTHER LAW: Section 3-305(b)(13)			
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1. Within exception, discussion of:			
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Strategy for project to be put out to bid	194-573
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2. Outside exception, discussion of:			
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Disposition of municipal property without competitive process: outside exception	4	76
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TOPIC FIVE

5. Before closing a meeting subject to the Act, did the public body make the written disclosures required by the Act and vote publicly to exclude the public? Section 3-305(d).

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1. Generally			
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 C. WRITTEN STATEMENT			
1. Generally			
Failure to prepare written statement before closing the meeting	7	225
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Must be accurate and disclose all topics	9	167
Must be informative	7	216
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Must reflect exceptions/topics cited in oral motion to close	9	132
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Practices in violation	8	1
Preparation before, not in, closed session	8	35
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3. Practices in violation			
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Failure to cite correct basis for the closing	7	245
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TOPIC SIX

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